

REMARKS

Claims 1-3, 5, 6, 9-11, 13, 14, 17-19, 21, 22, 25-27, 29, 30 and 33 are pending in the present application. Reconsideration of the claims is respectfully requested.

No new matter has been added by any of the amendments to the specification.

I. 35 U.S.C. § 103, Obviousness

The examiner has rejected claims 1-3, 5, 6, 9-11, 13, 14, 17-19, 21, 22, 25-27, 29, 30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over *Guski* (Patent Number: 5592553), in view of "*Leet-Speak*", leet speak@Everything2.com, March 23, 2000. This rejection is respectfully traversed.

Claims 1-3, 5, 6, 9-11, 13, 14, 17-19, 21, 22, 25-27, 29, 30 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Guski* in view of *Leet-Speak* and further in view of *Audebert*.

Guski may not operate as prior art in the instance of the present invention as 35 U.S.C. § 102 provides that prior art may be:

(e) the invention was described in -- (1) an application for patent, published under section 122(b) by another filed in the United states before the invention by the applicant for patent (35 U.S.C. Section 102(e)).

Furthermore, 35 U.S.C. § 103 provides:

(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Guski was filed February 8, 1996, and granted as US Patent 5,592,553 on January 7, 1997. The present invention was filed June 28, 2002 and was assigned to International Business Machines Corporation.

Application 09/935,416 (the present application) and *Guski* US Patent 5,592,553 were, at the time the invention of Application 09/935,416 was made, owned by International Business Machines Corporation, or subject to an obligation of assignment to International Business Machines Corporation.

International Business Machines Corporation.

Since *Guski* may operate as prior art solely under 35 U.S.C § 102 (e), and is subject to an obligation of assignment to the same person as the present invention at the time the invention was made, *Guski* may not operate as prior art for purposes of a 35 U.S.C. § 103(a) "obviousness" style rejection.

Therefore, the rejection of claims 1-3, 5, 6, 9-11, 13, 14, 17-19, 21, 22, 25-27, 29, 30 under 35 U.S.C. § 103(a) has been overcome.

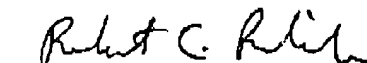
II. Conclusion

It is respectfully urged that the subject application is patentable over *Guski* in view of *Leet-Speak* and further in view of *Audebert* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 12/22/05

Respectfully submitted,



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